

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Land Acquisition- Nalgonda District- Formation of 4/6 lining of NH-9 from KM 40/0 to 190/2 (Malkapur to Chimiryala) under NHDP programme - Payment of ex-gratia to the persons whose structures are located in Un-assigned Government lands and Evacuees Property lands- Guidelines- Issued.

REVENUE (LAND ACQUISITION) DEPARTMENT

G.O.Ms.No.610

Dated: 31-5-2011,
Read the following:

- 1.From the Collector, Nalgonda Lr.No.G1/16928/05, dt.11.9.2010.
- 2.Govt.Memo.NO.53174/LA(A2)/2010, Revenue (LA) Department, dt.26.2.2011.
- 3.From Spl.C.S.& CCLA Ref.No.G1/389/11, dt.7.3.2011 and 1.4.2011.

ORDER:

In the letter first read above, the Collector, Nalgonda District has reported that, during the passing of Award for the acquired lands for formation of 4/6 lining of NH-9 from Malkapur to Chimiryala in Nalgonda District under the provision of National Highway Act, 1956, the Competent Authority noticed that, in certain instances where Government Un-assigned lands and Evacuee Property lands are occupied by the villagers and constructed structures and they do not have any valid documents in their favour to establish their rights over these lands and these structures need to be demolished for the widening of NH-9 in the district. The National High Way Authority has brought to the notice of the District Administration for clarification whether payment should be made to these enjoyers or otherwise there will be every possibility of protest by the enjoyers if the structures are demolished forcibly without making payment of compensation to the structures resulting in inconvenience to the road widening work and it may even cause law and order problems in the area. He has therefore, requested to clarify whether such cases can be considered for payment of compensation of structure values to the enjoyers since they do not have valid documents in their favour with regard to the land possessed by them under the structure.

2. In the reference 2rd read above, the Spl.Chief Secretary and Chief Commissioner of Land Administration, Hyderabad was requested to evolve/ work out a suitable scheme for providing ex-gratia to the persons whose structures are located in Un-assigned Government lands, Evacuee property lands and the CCLA in the reference 3rd read above, has formulated certain guidelines and suggested to Government, with reference to the policy laid down in the orders issued in G.O.Ms.No.243,Rev(LA)Dept. dt.27-3-2010 and the provisions of L.A.Act. 1894 and also various guidelines issued by the Govt. in the similar circumstances in other cases.

p.t.o.

3. Government, after careful examination of the matter, hereby issue the following guidelines:

1. The structures existing in un-objectionable Government lands under the enjoyment of land-less poor, and who belong to Below Poverty Line category, having less than 80 Sq.yards, shall be granted ex-gratia equal to Market value of the structures without solatium or other components of compensation under L.A.Act.
2. The structures existing in un-objectionable Government lands under the enjoyment of land-less poor and who belong to Below Poverty Line category, having more than (80) Sq.yards and below 200 Sq. yards shall be granted ex-gratia equal to 100 % Market value of the structures without solatium or other components of compensation under L.A.Act.
3. No ex-gratia will be granted to the structures covered by more than 200 Sq.Yards.
4. Persons who have purchased Govt. land / assigned and erected structures will not be entitled for any ex-gratia.
5. After the repeal of the Administration of Evacuee Property Act, 1950, the Displaced persons (Rehabilitation and Compensation Act,1954) and the Evacuee Interest(Separation) Act,1951 were repealed by "The Displaced Persons Claims and other Laws Repeal Act,2005 (Act 38/2005) w.e.f. 5th September, 2005 and the value towards the said properties were paid to the Central Government by the State Government. By virtue of the said repeal enactment and payment of value all Evacuee properties become State properties and vest with the State Government free from all encumbrances. As such there is no need to acquire these properties under L.A. Act, 1894. The same guidelines in respect of Government lands as enumerated in this policy may be made applicable to the structures in the Evacuee Property lands.
6. 100% ex-gratia will be paid to the structures that are owned by or in possession or in occupation of the encroachers, who belong to Above Poverty Line upto 200 Sq.yards. This may be confined to only NH 9 and it may also be directed to make payments of exgratia from NHAI funds only.
7. No Provisions of Reference under Section 18 and 28A of the L.A.Act,1894 will apply to all cases considered under this scheme.
8. The payment of ex-gratia / compensation to the structures to the eligible encroachers covered above shall be made after the personal inspection of the Joint Collector with complete record of inquiry in each case.
9. These guidelines are applicable only to the structures falling in the land covered by the formation of 4/6 lining of NH-9 from Km 40/0 to Km. 190/2 (Malkapur to Chimiriyala) under NHDP programme in Nalgonda District commenced by the National Highways Authority of India.

Contd.3.

10. Pay the basic value of the land as compensation to eligible encroachers of the land in question as a special case and not to be taken as a precedent.

The compensation of Waqf and Endowment lands will go to the concerned Institutions respectively subject to physical verification by duly constituting team consisting of Revenue Divisional Officer, Dy. Collector(LA) and Tahsildar concerned.

4. The Collector, Nalgonda shall follow the above guidelines scrupulously in the case and take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ANIL CHANDRA PUNETHA
PRL. SECRETARY TO GOVERNMENT**

To
The Collector, Nalgonda District.
The Spl. Chief Secretary and Chief Commissioner of
Land Administration, Hyderabad.

Copy to:

The P.S. to Prl. Secy. (TR&B), TR&B Department.
The P.S. to Prl. Secy. (Revenue), Revenue Dept.,
The P.S. to M (Revenue)
The P.S. to M (R&B)
Sf/Sc

//Forwarded: by order//

SECTION OFFICER